

No. 23-10616

**In the United States Court of Appeals
for the Eleventh Circuit**

LEROY PERNELL, ET AL.,

Plaintiffs–Appellees,

v.

ROBERT ANDRADE, ET AL.,

Movants–Appellants.

JOINT MOTION TO EXPEDITE

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
CASE NO. 4:22-CV-304-MW-MAF

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**CERTIFICATE OF INTERESTED PERSONS AND
CORPORATE DISCLOSURE STATEMENT**

Counsel for Movants-Appellants certifies that, to the best of his knowledge, the following is a complete list of persons interested in the outcome of this case, as required by Fed. R. App. P. 26.1 and Eleventh Circuit Rule 26.1:

1. Almond, Russell, *Plaintiff-Appellee*
2. Altizer, Tiffany, *Defendant*
3. Alvarez, Cesar L., *Defendant*
4. Alvarez, Maximo, *Defendant*
5. American Civil Liberties Union of Florida, *Counsel for Plaintiffs-Appellees*
6. American Civil Liberties Union, *Counsel for Plaintiffs-Appellees*
7. Andrade, Robert, *Movant-Appellant*
8. Armas, Jose J., *Defendant*
9. Austin, Sharon Wright, *Plaintiff-Appellee*
10. Axelman, David, *Counsel for Movants-Appellants*
11. Azis, Jacqueline Nicole, *Counsel for Plaintiffs-Appellees*
12. Ballard, Kathryn, *Defendant*
13. Ballard Spahr LLP, *Counsel for Plaintiffs-Appellees*
14. Bell, Daniel, *Counsel for Movants-Appellants*
15. Bell, Melony, *Movant-Appellant*
16. Bell, Zachary Chandler, *Defendant*

17. Blakenship, Katherine, *Counsel for Plaintiffs-Appellees*
18. Boaz, Timothy, *Defendant*
19. Borrero, David, *Movant-Appellant*
20. Brandon, David L., *Defendant*
21. Butchey, Deanne, *Defendant*
22. Callahan, Sandra, *Defendant*
23. Carrere, Michael, *Defendant*
24. Cavazos, Ann Marie, *Defendant*
25. Cerio, Timothy, *Defendant*
26. Chicken, Eric, *Defendant*
27. Christy, Bill, *Defendant*
28. Cliatt, II, Otis, *Defendant*
29. Cole, Richard P., *Defendant*
30. Coleman, Santino, *Counsel for Plaintiffs-Appellees*
31. Collins, Peter, *Defendant*
32. Colson, Dean S., *Defendant*
33. Condello, Jeff, *Defendant*
34. Conte, Joseph, *Defendant*
35. Cooper & Kirk, PLLC, *Counsel for Defendants*
36. Cooper, Charles J., *Counsel for Defendants*

37. Corcoran, Richard, *Defendant*
38. Corr, Christopher T., *Defendant*
39. Dauphin, Johana, *Plaintiff-Appellee*
40. De Las Cuevas-Diaz, Vivian, *Defendant*
41. Diaz, Jr., Manny, *Defendant*
42. Donnelly, N. Rogan, *Defendant*
43. Dorsey, Dana, Thompson, *Plaintiff-Appellee*
44. Dortch, Jr., Thomas W., *Defendant*
45. Duarte, Carlos A., *Defendant*
46. Dubose, Michael, *Defendant*
47. Dunn, Marvin, *Plaintiff-Appellee*
48. Edge, Aubrey, *Defendant*
49. Edinger, Gary, *Counsel for Plaintiffs-Appellees in Novoa v. Diaz*, No. 22-13994
50. Edwards, Jerry Crawford, *Counsel for Plaintiffs-Appellees*
51. Ezray, Evan, *Counsel for Movants-Appellants*
52. Fajana, Morenike, *Counsel for Plaintiffs-Appellees*
53. Fernandez-Barquin, Juan, *Movant-Appellant*
54. Fine, Randy, *Movant-Appellant*
55. First Amendment Forum at University of South Florida, *Plaintiff-Appellee in Novoa v. Diaz*, No. 22-13994

56. Fitzpatrick, Magistrate Judge Martin A., U.S. District Court for the Northern District of Florida
57. Florida A&M University Board of Trustees, *Defendant (Dismissed on Nov. 22, 2022)*
58. Florida Board of Governors of the State University System, *Defendant (Dismissed on Nov. 22, 2022)*
59. Florida International University Board of Trustees, *Defendant (Dismissed on Nov. 22, 2022)*
60. Florida Office of the Attorney General, *Counsel for Movants-Appellants*
61. Florida State Board of Trustees, *Defendant (Dismissed on Nov. 22, 2022)*
62. Foundation for Individual Rights and Expression, *Counsel for Plaintiffs-Appellees in Novoa v. Diaz*, No. 22-13994
63. Frost, Patricia, *Defendant*
64. Gabadage, Nimna, *Defendant*
65. Gaekwad, Danny, *Defendant*
66. Gary S. Edinger & Associates PA – Gainesville FL, *Counsel for Plaintiffs-Appellees in Novoa v. Diaz*, No. 22-13994
67. Gonzalez, Jorge, *Defendant*
68. Greubel, Greg, *Counsel for Plaintiffs-Appellees in Novoa v. Diaz*, No. 22-13994
69. Griffin, Michael, *Defendant*
70. Haddock, Edward, *Defendant*
71. Harper, Kristin, *Defendant*
72. Heavener, James W., *Defendant*

73. Henderson, Jim W., *Defendant*
74. Hinger, Sarah Ann, *Counsel for Plaintiffs-Appellees*
75. Hosseini, Morteza, *Defendant*
76. Horton, Oscar, *Defendant*
77. Johnson, Alexis Marie, *Counsel for Plaintiffs-Appellees*
78. Jones, Ken, *Defendant*
79. Jordan, Darlene Luccio, *Defendant*
80. King, Stephen, *Defendant*
81. Kuntz, Thomas G., *Defendant*
82. Lamb, Brian, *Defendant*
83. Lawson, Kevin, *Defendant*
84. Leckerman, Jason Allen, *Counsel for Plaintiffs-Appellees*
85. Lee, Jin Hee, *Counsel for Plaintiffs-Appellees*
86. Leftheris, Julie, *Defendant*
87. Lemasters, Lauren D., *Defendant*
88. Levine, Alan, *Defendant*
89. Lopez, Daniella, *Defendant*
90. Lowell, Natasha, *Defendant*
91. Lubin, Catharine, *Counsel for Plaintiffs-Appellees*
92. Lugo, Cristhofer, *Defendant*

93. Lydecker, Charles, *Defendant*
94. Mabatah, Isiuwa Jacqueline, *Counsel for Plaintiffs-Appellees*
95. Maggard, Randall Scott, *Movant-Appellant*
96. Maida, Michael, *Counsel for Movants-Appellants*
97. Martins, Alex, *Defendant*
98. Massullo, Ralph, *Movant-Appellant*
99. Mateer, Craig, *Defendant*
100. McAlpin, Caryl, *Defendant*
101. McClain, Stan, *Movant-Appellant*
102. McLaurin, Charles, *Counsel for Plaintiffs-Appellees*
103. McNamara, Caroline A., *Counsel for Plaintiffs-Appellees*
104. Michael, Deanna, *Defendant*
105. Miklos, John, *Defendant*
106. Mills, Harold, *Defendant*
107. Monbarren, Luran, *Defendant*
108. Moore, Kimberly, *Defendant*
109. Moraff, Laura Beth, *Counsel for Plaintiffs-Appellees*
110. Morris, Joshua, *Counsel for Plaintiffs-Appellees in Novoa v. Diaz*, No. 22-13994
111. NAACP Legal Defense & Educational Fund, *Counsel for Plaintiffs-Appellees*
112. Nascimento, Isabella Salomao, *Counsel for Plaintiffs-Appellees*

113. Novoa, Adriana, *Plaintiff-Appellee* in *Novoa v. Diaz*, No. 22-13994
114. Oberdorf, Tobin Rogers, *Movant-Appellant*
115. Occhipinti, Anna, *Counsel for Plaintiffs-Appellees*
116. Ohlendorf, John David, *Counsel for Defendants*
117. Okaty, Michael, *Defendant*
118. O’Keefe, Daniel T., *Defendant*
119. Palyam, Nithin, *Defendant*
120. Park, Shelley, *Plaintiff-Appellee*
121. Patel, Rahul, *Defendant*
122. Patel, Shilen, *Defendant*
123. Payne, Bobby, *Movant-Appellant*
124. Pernell, LeRoy, *Plaintiff-Appellee*
125. Perry, Belvin, Jr., *Defendant*
126. Phalin, Amanda J., *Defendant*
127. Piccolo, Fredrick, *Defendant*
128. Powers, Marsha D., *Defendant*
129. Prescott, T. Gene, *Defendant*
130. Ramer, John, *Counsel for Defendants*
131. Rechek, Samuel, *Plaintiff-Appellee* in *Novoa v. Diaz*, No. 22-13994
132. Reed, Craig, *Defendant*

133. Ridley, Fred S., *Defendant*
134. Roth, Justin, *Defendant*
135. Roth, Rick, *Movant-Appellant*
136. Rowe, Chanel T., *Defendant*
137. Sandoval, Jennifer, *Plaintiff-Appellee*
138. Sargeant, Deborah, *Defendant*
139. Sarnoff, Marc D., *Defendant*
140. Sasser, Bob, *Defendant*
141. Schneider, Jenifer, *Defendant*
142. Scott, Steven, *Defendant*
143. Seay, Beverly J., *Defendant*
144. Seixas, Melissa, *Defendant*
145. Self, William, *Defendant (Dismissed on Nov. 17, 2022)*
146. Shoaf, Jason, *Movant-Appellant*
147. Silagy, Eric, *Defendant*
148. Sirois, Tyler, *Movant-Appellant*
149. Steinbaugh, Adam, *Counsel for Plaintiffs-Appellees in Novoa v. Diaz*, No. 22-13994
150. Stermon, Kent, *Defendant*
151. Stone, Kenward, *Defendant*

152. Sykes, Emerson James, *Counsel for Plaintiffs-Appellees*
153. Thiel, John, *Defendant*
154. Tilley, Daniel Boaz, *Counsel for Plaintiffs-Appellees*
155. Tobin, Charles David, *Counsel for Plaintiffs-Appellees*
156. Tovar, Rogelio, *Defendant*
157. Truenow, Keith, *Movant-Appellant*
158. Trujillo, Carlos, *Defendant*
159. University of Central Florida Board of Trustees, *Defendant (Dismissed on Nov. 22, 2022)*
160. University of Florida Board of Trustees, *Defendant (Dismissed on Nov. 22, 2022)*
161. University of South Florida Board of Trustees, *Defendant (Dismissed on Nov. 22, 2022)*
162. Walker, Judge Mark E., U.S. District Court for the Northern District of Florida
163. Washington, Nicole, *Defendant*
164. Watson, Leah Monique, *Counsel for Plaintiffs-Appellees*
165. Weatherford, Drew, *Defendant*
166. Weatherford, William, *Defendant*
167. Whitaker, Henry, *Counsel for Movants-Appellants*
168. Wold, Megan M., *Counsel for Defendants*
169. Zucker, Anita G., *Defendant*

/s/ Daniel W. Bell

Counsel for Movants-Appellants

Counsel for Plaintiffs-Appellees certifies that, to the best of his knowledge, the list of interested persons above is correct and complete and no publicly traded company or corporation has an interest in the outcome of this case or appeal.

/s/ Jerry C. Edwards

Counsel for Plaintiffs-Appellees

The parties jointly request that the Court expedite this appeal to be heard during the next available oral argument calendar. The parties further request that the Court set a briefing schedule consistent with the argument date set by the Court.

1. This appeal arises out of Plaintiffs’ challenge to Florida’s Individual Freedom Act. The district court preliminarily enjoined the law on First Amendment and vagueness grounds, and that order is the subject of a separate appeal. *See* No. 22-13992. Plaintiffs also allege that the law was enacted with invidiously discriminatory intent in violation of the Equal Protection Clause, and discovery regarding that claim has proceeded while the preliminary injunction is on appeal.

2. Plaintiffs served subpoenas on fourteen members of the Florida House of Representatives (“the Members”) seeking documents about the enactment of the Individual Freedom Act. The Members moved to quash the subpoenas on legislative privilege grounds. The district court denied the motion in part, and the Members timely filed a notice of appeal and sought a stay of the discovery order, which the district court granted.

3. This Court has jurisdiction under the collateral-order doctrine. *See In re Hubbard*, 803 F.3d 1298, 1305–07 (11th Cir. 2015) (holding that the Court has jurisdiction to hear interlocutory appeals concerning the denial of a governmental privilege).

4. Although the discovery order is stayed, district court proceedings in this matter have otherwise continued. The case is currently set for trial in September 2023, just six months from now.

5. Plaintiffs believe the information sought by the subpoenas at issue may be an important part of the proof in their case. The Members are not parties to the litigation and have no interest in delaying its outcome.

For the forgoing reasons, the parties respectfully request that the Court expedite this appeal to be heard during the next available oral argument calendar. The parties further request that the Court set a briefing schedule consistent with the argument date set by the Court.

Respectfully submitted.

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Solicitor General

/s/ Daniel William Bell

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CERTIFICATE OF COMPLIANCE

1. This document complies with the type-volume limits of Fed. R. App. P. 32(a)(7)(B)(i) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 329 words.

2. This document complies with the typeface and type-style requirements of Fed. R. App. P. 32(a)(5) and Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Garamond font.

/s/ Daniel W. Bell

Daniel W. Bell

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 9, 2023, a true copy of the foregoing Joint Motion to Expedite the Appeal for Oral Argument was filed electronically with the Clerk of Court using the Court's CM/ECF system, which will send by e-mail a notice of docketing activity to all counsel of record.

/s/ Daniel W. Bell

Daniel W. Bell